

**MINUTES OF THE JOINT SPECIAL MEETING OF THE MADERA CITY COUNCIL AND  
REGULAR MEETING OF THE MADERA REDEVELOPMENT AGENCY  
CITY OF MADERA, CALIFORNIA**

December 14, 2011  
6:00 p.m.

City Hall  
Council Chambers

**1. CALL TO ORDER – CLOSED SESSION**

Council Member /Agency Member /Housing Chairperson Robert Poythress opened the Closed Session of the Regular Meeting of the Housing Authority of the City of Madera and the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 6:00 p.m. and called for the roll call.

**ROLL CALL** Present: Mayor/Chairperson/HACM Vice-Chairperson Brett Frazier  
Mayor Pro-Tem/Vice Chairperson/Commissioner Andrew J. Medellin  
Council Member/Agency Member/Commissioner Sally J. Bomprezzi  
Council Member/Agency Member/Commissioner Gary L. Svanda  
Council Member/Agency Member/HACM Chairperson Robert L. Poythress

**2. CLOSED SESSION**

**2A. Closed Session Announcement**

There are no items for this section.

*Council Member /Agency Member /Housing Chairperson Robert Poythress adjourned the Closed Session portion of the meetings and recessed the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 6:02 p.m.*

*Housing Authority Chairperson Poythress called for the Workshop presentation as listed on the agenda of the Regular Meeting of the Housing Authority of the City of Madera.*

*Housing Authority Chairperson Robert Poythress adjourned the Workshop portion of the meeting at 6:29 p.m.*

**RECESS**

**3. CALL TO ORDER – REGULAR SESSION**

Council Member/Agency Member/Housing Chairperson Robert Poythress opened the Regular meeting of the Housing Authority of the City of Madera and the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 6:30 p.m. and called for the roll call.

**ROLL CALL** Present: Mayor/Chairperson/HACM Vice-Chairperson Brett Frazier  
Mayor Pro-Tem/Vice Chairperson/Commissioner Andrew J. Medellin  
Council Member/Agency Member/Commissioner Sally J. Bomprezzi  
Council Member/Agency Member/Commissioner Gary L. Svanda  
Council Member/Agency Member/HACM Chairperson Robert L. Poythress

Agency staff members present: Executive Director Jim Taubert, General Counsel/City Attorney Brent Richardson, Agency Treasurer/Finance Director David Croff, Redevelopment Manager Bob Wilson, Neighborhood Preservation Manager Manuel Ruiz, and Agency Secretary Sandi Brown.

City of Madera staff members present: City Engineer Keith Helmuth, and Associate Engineer Marilyn Olson.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member/Agency Member/Commissioner Gary Svanda.

### **PUBLIC COMMENT – REGULAR SESSION**

*The first fifteen minutes of the meeting are reserved for members of the public to address the Agency or Council on items which are within the subject matter jurisdiction of the Agency or Council. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson/Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Agency and Council are prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Agency or Council does not respond to public comment at this time.*

Vernon Price, a homeless advocate for Madera County addressed the members of the City Council/Agency Board/Housing Authority Commissioners and reported that he had been awarded a scholarship to attend the National Conference on Ending Family and Youth Homeless, and would be leaving Fresno for the conference on February 8 and returning on February 9<sup>th</sup>. He expressed his appreciation to the Council and community for their support allowing him to attend the conference.

No further comments were heard.

*Council Member/Agency Member/Housing Chairperson Robert Poythress recessed the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment at 6:35 p.m. and called for the items as listed on the Housing Authority meeting agenda. Newly elected Housing Authority Chairperson Brett Frazier adjourned the meeting of the Housing Authority at 6:56 p.m.*

*Mayor/Agency Chairperson Brett Frazier reconvened the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 7:00 p.m.*

### **PRESENTATIONS**

Presentation to Outgoing Agency Chairperson Robert L. Poythress

Chairperson Frazier presented an appreciation plaque to outgoing Agency Chairperson Robert Poythress on behalf of the Agency Board and staff, thanking him for his service to the Redevelopment Agency. Chairperson Frazier also expressed his personal appreciation to past Chairperson Poythress for the time he spent with him teaching him about redevelopment. Past Chairperson Poythress thanked the Board and staff for the presentation.

*Mayor/Agency Chairperson Frazier called for the items as listed on the Consent Calendar.*

### **4. CONSENT CALENDAR**

- 4A.** Minutes of the Joint Meeting of the Special Meeting of the Madera City Council and Special Meeting of the Madera Redevelopment Agency – November 9, 2011 **(City/Agency)**
- 4B.** Listing of Warrants Issued from November 7, 2011 to December 9, 2011 **(Agency)**
- 4C.** Monthly Financial Reports – Redevelopment Agency **(Agency)**
- 4D.** Monthly Financial Reports – Code Enforcement **(City)**
- 4E.** Code Enforcement Activity Report **(City)**
- 4F.** Code Enforcement Revenue Report for December 2011 **(City)**
- 4G.** Acceptance of the Investment Report for Quarter Ending September 30, 2011 **(Agency)**
- 4H.** Update on Tire Amnesty Day Event Held November 19, 2011 **(City)**

- 4I. Report on the Implementation of the Graffiti Ordinance **(City)**
- 4J. Consideration of a Resolution Consenting to the Transfer of Ownership on the Arborpoint Project and Authorizing the Chairperson to Execute the Consent Form **(Agency)**
- 4K. Consideration of a Resolution Approving Agreement for the Purchase and Sale of Real Property for the Fourth Street Improvement Project from “K” Street to Union Pacific Railroad, and Authorizing the Mayor to Execute the Agreement and Accept the Easement Deed on Behalf of the City of Madera (Report by Keith Helmuth) **(City)**

Mayor/Chairperson Frazier asked members of the Council/Agency Board if there were any items on the Consent Calendar they wished to have pulled for further discussion.

Items 4E and 4F were pulled by Council Member/Agency Member Svanda for clarification.

Mayor/Chairperson Frazier called for a motion to approve the items presented on the Consent Calendar with the exception of Items 4E and 4F.

**MRA-1495** RESOLUTION OF THE MADERA REDEVELOPMENT AGENCY, CONSENTING TO THE TRANSFER OF OWNERSHIP ON THE ARBORPOINT PROJECT AND AUTHORIZING THE CHAIRPERSON TO EXECUTE THE CONSENT FORM ON BEHALF OF THE MADERA REDEVELOPMENT AGENCY (4J)

**CC 11-253** RESOLUTION APPROVING AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY FOR THE FOURTH STREET IMPROVEMENT PROJECT FROM ‘K’ STREET TO UNION PACIFIC RAILROAD, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ACCEPT THE EASEMENT DEED ON BEHALF OF THE CITY OF MADERA (4K)

*On motion by Council/Agency Member Bomprezzi, seconded by Council/Agency Member Svanda, the Consent Calendar as presented, with the exception of Items 4E and 4F, was unanimously approved resulting in the approval of the minutes of the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency for November 9, 2011 and the adoption of Resolutions **CC 11-253 and MRA-1495.***

Mayor/Chairperson Frazier called for Item 4E.

**4E. Code Enforcement Activity Report (City)**

Council Member Svanda said that he pulled this item for further clarification, noting that his question was related to the Accounts Receivables Section on the report as it relates to the total fines levied for the month versus the total fines collected. He noted that the report showed \$70,000 in fines levied, which he commented was an outstanding job and shows that we are doing what we should be doing. He said that his consternation would be the amount of money we are collecting relative to the amount of money we are putting on the books, which is less than 50% and probably closer to 40%. He stated that laws are only as good as they are enforceable, so strengthening the graffiti law, or writing tickets for fines and penalties is wonderful, but the point is to make people financially responsible for the things they are doing. He continued that he is not seeing that occurring by collecting only \$.40 on every dollar. Council Member Svanda reiterated, I’m going to ask again – what kind of a plan do we have, or what sort of idea do we have to get this number closer to 100%. He said if you write a ticket, I expect somebody to pay the fine, or don’t write the ticket. He said that this report is showing me that we have a lot of activity, but very little drop in the bottom line.

Manuel Ruiz, Neighborhood Preservation Manager, responded that as far as our drive for collections, what is driving the amount of money coming in is that the mortgage holders want to sell their houses, and to sell their houses they must get a Notice of Violation that has been recorded released.

Council Member Svanda replied that he was referring to the percentages on staff report for Item 4E; not Item 4F.

Jim Taubert, Executive Director, said with regard to Item 4E it typically takes several months to collect fines, and just because we issue a fine doesn't mean they come in and pay it that month. He said it could take 30 to 90 days.

Council Member Svanda said he understood that, but said we have \$385,100 in fines levied for Year to Date from July 1<sup>st</sup> through the end of November, and we have only collected \$160,000. He said he understood that people are not going to rush in to pay the fine, but if I look at Year to Date numbers, \$385,000 citations issued and \$160,000 citations collected, that's less than half - \$.40 on the dollar. My question is what are we going to do to fix it.

Manuel Ruiz responded that there is another point we need to look at and that is we need to have what we call active collection activity and not passive collection activity. The collection activity, he said, is where we seek judgments, placing judgments on them because they are not paying, not because we are waiting for them to pay. We are waiting on those foreclosure cases that we record, but until we go after them with judgments and make it more of an active and aggressive approach, we are not going to collect the amount we are looking for. He said that he has not seen our collection agency go after those and added that as far as the amount of judgments, they have not given us one judgment since the inception of this collection agency. He said that there has been very little activity by the agency, and they are supposed to be going after judgments on the City's behalf so that we can see a return of our activity. He said it is not happening.

Mayor Frazier asked if it's time to find a new collection agency. Council Member Bomprezzi concurred and added if they are not doing their job then maybe it's time to go out to bid for another agency, and find somebody else.

Brent Richardson, City Attorney, stated that he would look into the matter, and added that it would have been his assumption that the collection agency would have been pursuing these collections. He said that there should be an aging process to some extent. It would be my understanding, he said, that they likely would be the one to pursue small claims actions on the City's behalf, should they be uncollectable, but apparently that is not happening. He said that he would follow up with Dave Croff, Finance Director, and the agency and find out why it's not happening, and said maybe that's something that was never contemplated by them, and if not then that needs to be rectified in some fashion.

Council Member Svanda stated that he would like a report back to the Council from Finance, from Legal and from administrative staff, as to what our direction will be as far as the system we will use to collect these fines. He added that he did not think that what we have done in the past is enough -- \$.40 on the dollar is not enough -- a lot of activity - \$385,000 would go a long way in filling our coffers to be able to turn around and do tremendous things with the Redevelopment Agency. Under the current situation that we are in with the State of California, he said, every dollar that we can collect is a necessary dollar. And, he said you are doing the work, but it's not getting into the till. Council Member Svanda made the recommendation that the three groups (administration, legal and finance) meet and bring back a recommendation on how to bring the collections up.

Mr. Richardson said that he would meet with Mr. Ruiz and Mr. Croff. Mr. Taubert suggested that they include the collection agency.

Council Member Poythress asked what percentage the collection receives on what they collect; is \$.30 or \$.40 on the dollar. Mr. Ruiz responded that they are getting a high percentage, around 20%. Mr. Ruiz said that he sees that when the invoice comes in periodically.

Mr. Richardson commented that we can certainly back that out, and added that his thought would have been that they would have been taking those to small claims all along, but he said admittedly he is not aware if that was ever approached with them.

Mr. Ruiz said that one of our office assistants has access to a contact at the collection agency and he has asked her to check with them to see how many judgments have come in and none have come in.

Mayor Frazier said it would be good to let them know that we are actively pursuing this and it's time for them to start collecting or we will put out an RFP.

*On motion by Council Member Svanda, seconded by Council Member Poythress, to approve Item 4E, Code Enforcement Activity Report, was unanimously approved.*

Mayor Frazier called for Item 4F.

#### **4F. Code Enforcement Revenue Report for December 2011 (City)**

Council Member Svanda commented that the report shows a remarkable amount of money, and asked for clarification if this was for fines being written as far as obligations we are expecting to collect, or is this money actually collected.

Mr. Taubert said the report reflects actual cash collected.

Mayor Frazier commented that for the entire year of 2010 the total collected was \$157,000 and just through November of 2011, we have surpassed that amount, which indicates staff is doing a fantastic job.

Council Member Svanda said that he relates this back to the Item 4E, adding that these collections have been tied into the banks and mortgage companies and they can't close the properties until they relinquish the debts against the property. He added there must be some way to garnish wages or lien properties in the other fines (reported in 4E) if they are a legal obligation, and that is something you will have to define and clarify. But, he said, if they are, there should be action that would put people in a position that if they ever change the property, if they have a job, etc. we are able to collect the money that they owe. Relating this back to Item 4E, if we can come up with a solution to collect \$169,000 in five months, he said I think we can solve the other problem.

Mr. Taubert said that of the dollar amount you see in Item 4F, 98% is foreclosures.

Mayor Pro-Tem Medellin said this is what we asked you to do months ago, and we are at the goal line now, and now it's a matter of pushing over the edge. He concurred with Mayor Frazier and said we have got to let them know we mean business; we can't say we are going to do something, and let time go by. Council Member Svanda commented that he thought staff did it with this program.

*On motion by Council Member Svanda, seconded by Council Member Medellin, to approve Item 4F, Code Enforcement Revenue Report for December 2011, was unanimously approved.*

## **5. PROJECTS AND REPORTS**

### **5A. Update on Graffiti Neighborhood Network Program (Report by Tim Farrell) (City/Agency)**

Jim Taubert introduced Tim Farrell, Neighborhood Outreach Consultant, saying that he came on board and he and Christina have been very successful – we had hoped to get 500 volunteers and we have over 1,400 volunteers. He said that Tim will be leaving our employment as of tomorrow and he wanted to give Tim an opportunity to talk about his perception of where we are and where we are going with the program.

Tim Farrell said that this is the 27<sup>th</sup> month we have worked on the Anti-Graffiti Program, starting in December of 2009, and we started the Neighborhood Block Leadership Program in mid-February. He said the two overlap and they work with the same people from both programs. Mr. Farrell presented a PowerPoint presentation of photos and statistics on the programs. He said that they are approaching 1,500 volunteers, whose names and information are stored in a spreadsheet. They have worked with 15 neighborhoods to date. The two common questions that come up are, "Are the parents being held responsible?" and "What is law enforcement doing with the kids?" He said the two problems that

neighborhoods report is recent burglaries and traffic speeding through the neighborhoods. He reported that the program is based upon relationships and he said rarely do they receive calls seeking participation, but rather participation through people that they have personally met. Mr. Farrell commented on laying a foundation of the program saying they are just in the 'infancy' stages and the neighborhoods that they go into have not been organized in a long time or possibly never. He said the first meetings are 'ice-breaking' and for the neighborhoods to advance it will take some time. Mr. Farrell said that the program is modeled off the program in the City of Cupertino and it took ten years to go from 20 neighborhood captains to 200. Mr. Farrell commented on a success story in the neighborhood of Vista del Sierra, with a captain and two meetings, and another neighborhood on Santa Rita Way, where the police were surprised to see residents comfortable in actually meeting outside. Mr. Farrell shared a quote they use in the program as "Real security comes from opening doors of community life. No amount of spending can buy the kind of security that comes from neighbors caring and watching out for one another." Mr. Farrell said one of the goals of the program is to attract families to Madera, and a large deterrent to attracting families is graffiti and the poor condition of the streets and alleys. He said that he was hopeful in a strong program that neighborhood captains would be able to attract families to locate to Madera. He said it's important for captains to lead their own meetings. Mr. Farrell addressed a long term plan, stating that he hopes the program continues and there is still a lot of work to do. He suggested that a strong vision for the program be developed on how the program is to be executed here in Madera. Consistent funding and support is another big item. Funding has been month-to-month and he said it would nice to know that in 2-3 months you will still be doing your job. He referred to a Neighborhood Grant program from Boise Idaho, where neighborhoods can apply for a \$2,000 grant and suggested that if our neighborhoods were to develop that might be something they can get involved in. Mr. Farrell suggested that City departments get involved in the program, presenting an information series at the meetings. Mr. Farrell completed his presentation.

Mayor Frazier presented an appreciation plaque to Tim for his dedication to the program. Mayor Frazier shared when he first met Tim he saw his passion and ability to take opportunities to recruit volunteers rather than just giving them an abatement kit. Tim used the distribution of the abatement kit to engage citizens in the community and he did it well. Mayor Frazier expressed his disappointment in losing Tim, and added that he knew Tim's involvement in the community would not end, and said that he looked forward to working with Tim in the future. Tim thanked the City Council for their vision in hiring Boyles and Associate, and Jim Taubert and Manuel Ruiz for promoting the program. He also thanked his co-worker, Christina Herrera, saying that she will continue the program and do well.

Council Member Poythress said he looked at the program as a 'tip of the iceberg' noting it will take a long term commitment to be successful. He said that the leadership displayed, the enthusiasm and passion is infectious and that is really what caused neighborhoods to come together. This program is a game changer he said. When we get neighborhoods organized and moving forward it will be huge, with less reliance on law enforcement that can't do near the job that organized neighborhoods can do. He said it's the heart of the City; we can put up buildings, streets and parks but until we reach the neighborhoods, you have gotten nowhere. Council Member Poythress concurred with Tim, that we do have a great City – Madera is a great City.

**5B. Consideration of a Resolution Approving the Annual Report of Financial Transactions and HCD Annual Housing Activity Report for the Madera Redevelopment Agency for the Fiscal Year Ending June 30, 2011 (Agency/City)**

Mr. Taubert presented the staff report, noting that for the past 17 years this has been a one-page report with a resolution. Last year, a couple of Council members said as important as this is, maybe we should see the entire report. This year we endeavored to meet that request. Mr. Taubert reviewed the elements of the report that included the State Controller's Report; the Blight Progress Report/ Loan Report/Property Report, which we do in conjunction with our Annual Report that is approved in June; Independent Financial Audit, which is in draft form and may have a few minor changes; Fiscal Statement, includes various time limits; Statement of Indebtness, which we submit to Madera County by September 30<sup>th</sup>; Five Year Implementation Plan, which we are about half way through the timeline; Housing Element Compliance; and the HCD Housing Activity Report, commenting that Bob Wilson and Sandi Brown spend most of November

and part of December on the report and deserve most of the credit. Mr. Taubert asked if there were questions.

Mayor Pro-Tem Medellin thanked staff for their work and said that he thought it was important for the Council to have the report and be able to go through it. He commented that he would like to have a copy to keep as he found it valuable being new on the Council.

Council Member Poythress concurred saying it was good information, very informative and helpful.

Council Member Svanda commented that he felt the report shows the Madera Redevelopment Agency has met requirements and there is nothing that you have not done as evidenced by this document because we shine if you read through the reports. You should be extremely proud as an organization to bring this to us or anybody who would take the time to read this. It's worth the effort and thanked staff for providing this.

Mayor/Chairperson Frazier asked if there were additional comments or questions. There were none.

Mayor/Chairperson Frazier called for a motion.

**CC 11-252** A RESOLUTION OF THE COUNCIL OF THE CITY OF MADERA, CALIFORNIA  
APPROVING THE ANNUAL REPORT OF THE MADERA REDEVELOPMENT AGENCY  
(5B)

On motion by Council Member Svanda, seconded by Council Member Bompreszi, **Resolution Number CC 11-252** was unanimously approved.

## 6. AGREEMENTS

There are no items for this section.

## 7. HOUSING

There are no items for this section.

## 8. GENERAL

There are no items for this section.

## 9. AGENCY MEMBER REPORTS

**Agency Member Svanda** reported on the ground-breaking ceremony for the school district project, (RDA-owned lot sold to MUSD as a youth-build project of an affordable single-family home) saying it is an outstanding program and said that if they get an uptake in the market, build the house, sell it, build another house and sell it, they could be self-sufficient within a couple of years, and said he felt hundreds of young people could get outstanding training. The school district ends up with a profit center and we end up helping the program along. He said it is an outstanding program and was happy to be a part of it.

**Vice-Chairperson Medellin** concurred and said that he felt it is a wonderful collaboration between the Madera Redevelopment Agency and Madera Unified School District.

**Chairperson Frazier** commented that this program was a long-time coming, and everyone was very complimentary on how RDA got it going. He expressed his appreciation to Jim for getting it going saying it was going to be a 'win' for everybody. He commented on the excitement of the kids participating in the program, and said at the end of the day the program is really about them. Chairperson Frazier said that after the event, several neighbors approached him and asked how they could get involved and what they could do. He said it was nice that he could point them back to the RDA, the anti-graffiti program, the neighborhood block programs, and they were excited by the time they left. He added all he was doing was pointing them in your direction, and it gives a power to us, a tool to help make the City better to be able to direct them to someplace positive. I know if they come through your doors they will get put to work. It

helps the City on so many levels, and he thanked Jim for the work being done out of the RDA office building.

**10. ADJOURNMENT**

Mayor/Chairperson Frazier adjourned the Joint Special Meeting of the Madera City Council and Regular Meeting of the Madera Redevelopment Agency at 7:45 p.m.



Sandi Brown, Agency Secretary



Mayor/Chairperson Brett Frazier

/sb